

**GOVERNMENT OF TELANGANA
ABSTRACT**

Tribal Welfare Department - Rules - The Telangana Tribal Welfare Department
Teachers (Regulation of Transfers) Rules, 2015 - Notified - Orders -Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.MS.No. 12

Dated: 25-06-2015

Read the following:

1. G.O.Ms.No.53, Social Welfare (TW-Ser.III) Department, dt 28.6.2005.
2. G.O.Ms.No.11, School Education (Ser.II) Department, dated 15-6-2015.
3. From the Commissioner of Tribal Welfare, TS, Hyderabad Lr.Rc.No. K2/2638/2015, dated 23.06.2015.

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ORDER:

The Commissioner of Tribal Welfare, Telangana State, Hyderabad in his letter 3rd read above has proposed to issue Regulation of Transfer Rules for the Headmaster and Teachers working in the Tribal Welfare Department. The Government have carefully examined the proposal of the Commissioner of Tribal Welfare, Telangana State, Hyderabad and decided to issue the following Rules relating to transfer in partial modification of G.O.Ms.No.53, Social Welfare (TW.Ser.III) Department, dated 28.06.2015.

2. In the G.O. 2nd read above, Orders were issued for rationalization of posts and staff in the Government Schools.

3. Accordingly, the following Notification shall be published in the Telangana Gazette:

4. In exercise of the powers conferred by Section 78 and 99 of Telangana Education Act, 1982 and under Article 309 of the Constitution of India and in supersession of all the earlier Rules and Guidelines on Transfer of Teachers, the Government of Telangana hereby makes the following Rules regulating the transfers of the categories of Head Masters Grade II (Gazetted), School Assistants and Secondary Grade Teachers and their equivalent categories working in the Government Tribal Welfare Department Schools in the State of Telangana.

RULES

1. Short Title and Applicability:

- (1) These Rules shall be called the Telangana Tribal Welfare Department Teachers (Regulation of Transfers) Rules, 2015.
- (2) These Rules shall be applicable to Head Master Grade II (Gazetted), School Assistants, SG Teachers and other equivalent categories working in Government Tribal Welfare Department Schools in the State of Telangana, herein after referred to as Teacher in these Rules.
- (3) These rules shall come into force with immediate effect.

2. Transfer counseling:

All transfers shall be made by way of counseling through Transfer Committees constituted for each district.

3. Schedule of transfers:

The Commissioner of Tribal Welfare, Telangana, Hyderabad shall draw the Schedule and communicate the same to the competent authorities for affecting transfers from time to time.

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4. Competent authority for issue of transfer and posting orders:

The appointing authority concerned shall issue transfer and posting orders based on the recommendation of the Committee constituted for this purpose.

5. Criteria for Transfers:

- (1) The following categories of Head Master Grade II (Gazetted)/Teacher in the Government Tribal Welfare Department Schools shall be transferred:
 - (a) Head Master Grade II (Gazetted), who have completed (5) years of service in a particular School as on 1st July of the current year shall be compulsorily transferred, provided those who are going to retire within two years from 1st July of the current year shall not be shifted until and unless the incumbent requests for such transfer.
 - (b) Teachers, who have completed (8) years service in a particular school as on 1st July of the current year shall be compulsorily transferred, provided those who are going to retire within two years from 1st July of the current year shall not be shifted until and unless the incumbent requests for such transfer
 - (c) The male Head Master Grade-II (Gazetted)/Teacher aged below 50 years as on 1st July of current year and working in Girls High School.
- (2) If no women HMs/Teachers are available to work in Girls High Schools, then male HMs/Teachers who are over and above 50 years of age may be considered for posting to such Schools
- (3) Head Master Grade II (Gazetted)/Teacher who has completed a minimum period of two years service in a category of post in a School as on 1st July of the current year shall be eligible to apply for transfer.
- (4) The Head Masters Grade II (Gazetted)/Teachers shifted under Rationalization i.e., Primary Schools, Upper Primary Schools and High Schools shall also participate in the Transfers Counseling, provided those who are going to retire within two years from 1st July of the current year shall not be shifted until and unless the incumbent requests for such Transfer and next junior shall be shifted. If other junior Teacher is not available he/she shall be shifted.
- (5) The Head Masters Grade II (Gazetted) who has completed (5) year of service and Teacher who has completed (8) years of service as NCC Officer, shall be posted in a vacancy in a School where there is NCC unit.
- (6) All transfers shall be affected within the present Management, Agency Area to Agency Area, Plain Area to Plain Area.

6. Entitlement Points:

(1) Common points:

Entitlement points shall be awarded to the Head Master Grade II (Gazetted)/Teacher who applies for Transfer in the following manner:

- (a) For service in the present School, basing on its location, as per the following scale, as on 1st July of the current year:
 - (i) **Service in Category III Areas:** Three (3) points for every year of service and 0.25 for every completed month.
 - (ii) **Service in the Category II Areas:** Two (2) points for every year of service and 0.16 for every completed month.

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- (iii) **Service in the Category I Areas:** One (1) point for every year of service and 0.083 for every completed month.

Note 1: The Habitations/Towns shall be classified into the following categories namely:

Category I: All Habitations/Towns where 20% and above HRA is admissible.

Category II: All Habitations/Towns where 14.5% HRA is admissible.

Category III: All Habitations/Towns where 12% HRA is admissible.

Category IV: All Habitations/Towns where 12 % HRA is admissible and which do not have connectivity through an all weather road as per the norms of the Panchayath Raj (Engineering) Department.

Note 2: The District Collector, PO ITDA of the concerned District shall publish the list of habitations in the district which do not have connectivity through all weather road as per the norms of Panchayath Raj (Engineering) Department in consultation with the Superintendent Engineer, Panchayat Raj of the district for this purpose, and the same shall be final.

- (b) For the Service rendered, 0.041point for every one month of the completed service in the total service in all categories as on 1st July of the current year.

(2) Special Points (Extra Points):

- (a) The President and General Secretary of the Teachers' Associations having OD facility in terms G.O.Rt.No.1410, G.A.D. (Ser.Welfare) dated 20-05-2015 at the State and District Levels are eligible for ten (10) points.
- (b) Ten (10) points for unmarried Head Mistress Grade II/Female Teacher.
- (c) Ten (10) points for Head Master Grade II (Gazetted)/Teacher, whose spouse is working in State Government or Central Government or Public Sector undertaking or Local Body or Aided Institution in the same District and opted for transfer nearer to and towards the place of working of his/her spouse, benefit of spouse points shall be applicable to the Head Master Grade II (Gazetted) once in (5) years and Teachers once in (8) years. An entry shall be made in this regard in the Service Book. A copy of the Certificate issued by the competent authority shall be enclosed to the check list to consider cases under this category.

(3) Rationalization Points:

- (a) For the Teachers who are affected by rationalization process, they are eligible for 10 points extra over and above already secured. The Teachers who have completed (8) years service are not eligible for 10 points extra over and above already secured.
- (b) The Teachers who were transferred during counseling 2013 and could not be relieved for want of substitute shall be relieved forthwith if posts exist after rationalization. If post does not exist after rationalization, he/she shall participate in transfer counseling and is entitled for (5) additional points.

- (4) In case the entitlement points of two or more applicants are equal, the inter-se seniority shall be determined as below:
- (a) Applicants having disability of more than 40% but less than 70% (Visually challenged/Ortho-handicap/Hearing Impaired) shall take priority.
 - (b) Subject to the above, the seniority in the cadre shall be taken into account.

7. Performance Related Extra Entitlement Points:

- (1) The Teachers who have got National award issued by the Central Government will get (15) and who have got State award issued by the State Government will get (10) points respectively. He/she is eligible for only one category whichever is highest.
- (2) **Entitlement points for Performance:**
- (a) Results of SSC in concerned subject for Teachers and overall percentage to Head Masters for High Schools only:
 - For 100% Results - 2.5 points.
 - For 99% to 95% Results - 2 points.
 - For 94% to 90% Results - 1 Point.
 - (b) **Resource persons conducted training programs of SSA, RMSA or PUNADI for the last three years. He/she should have conducted minimum three programs during the last three years:**
 - State level - 5 points.
 - District level - 4 points.
 - Mandal level - 2 points.

Provided that they should enclose a Certificate issued by the Deputy Director (Tribal Welfare)/District Tribal Welfare Officer/District Educational Officer in respect of State and District level trainings and Project Officer, RVM in respect of Mandal level trainings.

8. Preferential categories:

- (1) In case the entitlement points of two or more applicants are equal, the inter-se seniority shall be determined as below:
- (2) The following categories shall take preference in the seniority list, in the order given below, irrespective of their entitlement points:
- (a) Physically handicapped i.e., those with not less than 70% Visually challenged/Ortho-handicap/Hearing Impaired. He/she has to produce *SADAREM Certificate* or Medical Board certificate.
 - (b) Widows.
 - (c) Legally separated women and not remarried.
 - (d) Head Master Grade II (Gazetted)/Teacher who is suffering with the following diseases, in which he/she is undergoing treatment:
 - (1) Cancer.
 - (2) Open Heart Surgery.
 - (3) Neuro-Surgery.
 - (4) Bone T.B.
 - (5) Kidney/Liver/Heart Transplantation

- (e) Applicants with dependent children who are mentally retarded/suffering from Leukaemia (Blood Cancer) and are undergoing treatment.
- (f) Applicants' children suffering with holes in the heart by birth and undergoing medical treatment available only at specified places to which they are seeking transfers.
- (g) Applicants with dependent children suffering from Juvenile Diabetes.

Note 1: For the purpose of (d),(e) and (f) above, a copy of the Certificate issued by a competent authority i.e., District Medical Board/State Medical Board should be enclosed to the application for consideration of preferential categories.

Note 2: The Head Master Grade II (Gazetted) should avail either the preferential category [Rule 8] or the special points [Rule 6(2)(c)] once in (5) years, and Teachers should avail either the preferential category [Rule 8] or the special points [Rule 6(2)(c)] once in (8) years, and an entry be made in the Service Book.

Note 3: The Teachers who have availed the preferential category or spouse category in the earlier transfer counseling and now shifted under Rationalization without completion of (8) years of service shall be given the respective benefits/entitlement points along with the Rationalization points.

9. Notification of vacancies:

- (1) The following vacancies shall be notified for the purpose of counseling:
 - (a) All the vacancies arising due to compulsory transfers as per Rule 5.
 - (b) Vacancies arising due to rationalization of posts.
 - (c) All the existing clear vacancies except the leave vacancies.
 - (d) Resultant vacancies arising during Counseling.

10. Publication of vacancies and seniority list:

- (1) The following lists shall be displayed at the O/o Deputy Director (Tribal Welfare)/District Tribal Welfare Officer.
 - (a) The lists of category-wise schools (category I, II, III and IV).
 - (b) The School wise vacancy position of Head Master Grade II (Gazetted)/School Assistant/Secondary Grade Teacher and equivalent categories for counseling.
 - (c) Subject to the procedure prescribed in clause (2) below, the list of names of the Head Master Grade II (Gazetted)/Teacher who applied for transfer with entitlement points.
- (2) After the last date for applying for transfers as per Schedule, the seniority list shall be prepared, using software for generating the entitlement points, category wise and subject wise, and the seniority list with entitlement points shall be displayed on the notice board of O/o the Deputy Director (Tribal Welfare)/District Tribal Welfare Officer.

11. Online Application:

- (1) The Head Master Grade II (Gazetted)/Teacher who is eligible as per the criteria prescribed in Rule 5 shall apply online through website

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specified for the purpose in the prescribed proforma and the particulars furnished in the proforma shall be final and no modification shall be allowed.

- (2) The applicants shall thereafter obtain the print out of the application from the specified website and submit the same duly signed to their respective authorities viz., Assistant Tribal Welfare Officer /Head Master of High School as the case may be.
- (3) An applicant seeking to apply under Preferential categories/spouse category shall also submit along with application the latest Certificate from the competent authority in that regard.
- (4) If any Head Master Grade II (Gazetted)/Teacher who is compulsorily transferable under Rule 5 does not apply online or having applied does not attend the counseling (physical or online), he/she will be transferred to the available left over needy vacancies.

12. Receipt and disposal of objections:

- (1) Objections, if any, in respect of the seniority list and entitlement points published as per Rule 10(2) may be filed online or in writing before the Deputy Director (Tribal Welfare)/District Tribal Welfare Officer, as the case may be, by any applicant together with evidence in support of such objection within the time specified for this purpose in the Schedule.
- (2) The Deputy Director (Tribal Welfare)/District Tribal Welfare Officer, as the case may be, shall cause verification of all objections and pass orders disposing of the same. In cases where objections are upheld, the Deputy Director (Tribal Welfare)/District Tribal Welfare Officer shall cause the necessary corrections in the seniority list and publish the same on the website.

13. Committees for conducting counseling and transfers:

The following Committees are constituted for the purpose of conducting counseling and transfers:

- (1) For Transfer of Head Master Grade II (Gazetted) in Government Tribal Welfare Ashram High Schools:
 - (a) The District Collector shall be the Chairman of the Committee.
 - (b) The Project Officer of ITDA in ITDA-Districts as a Member.
 - (c) The District Educational Officer (Agency)/Deputy Educational Officer (Agency) in ITDA-Districts as a Member.
 - (d) The District Educational Officer in non-ITDA districts as a Member.
 - (e) The Deputy Director (Tribal Welfare) of ITDA-Districts and the District Tribal Welfare Officer in non-ITDA district as a Member Secretary.

Note 1: The Committee shall be the competent authority for transfers of all Head Masters Grade II (Gazetted) in Government Tribal Welfare Ashram High Schools in the respective district. The transfer shall be effected within the district by way of counseling.

Note 2: The District Collector shall be the competent authority to issue the transfer and posting orders of the Head Master Grade II (Gazetted) working in the Government Tribal Welfare Ashram High Schools, after approval by the Committee.

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- (2) For Transfer of Teachers in Tribal Welfare Government Ashram Schools and Government Primary Schools (Tribal Welfare):

In ITDA-Districts:

- (a) The Project Officer of ITDA shall be the Chairman of the Committee.
- (b) The District Educational Officer (Agency)/Deputy Educational Officer (Agency) as a Member.
- (c) The Deputy Director (Tribal Welfare) as a Member Secretary.

In non-ITDA districts:

- (a) The District Collector / Additional Joint Collector or his nominee of the District shall be the Chairman of the Committee.
- (b) The District Educational Officer or his nominee as a Member.
- (c) The District Tribal Welfare Officer as a Member Secretary.

Note: The Deputy Director (Tribal Welfare)/District Tribal Welfare Officer concerned shall be the competent authority to issue the transfers orders to all the teachers working in the Government Tribal Welfare Schools after the approval by the Committee.

14. Issue of transfer Orders:

- (1) Based on the recommendations of the respective Committees, the appointing authorities concerned shall issue posting orders on the same day to all the Head Masters/Teachers. Individual transfer orders shall be issued.
- (2) The Head Master/Teacher who are to be compulsorily transferred and who do not attend for counselling, shall be given posting orders in absentia for the left over required vacancies at the end of the counseling of that particular category of Teachers, in the presence of the Committee and in the counseling hall without fail.
- (3) Once transfer orders are issued by the competent authority with the approval of the Committee, review or modification of the Orders shall not be considered, either by the Committee or by the competent authority.
- (4) In all the orders of the transfer the condition is to be included that the orders shall be subject to the outcome of SLP in Supreme Court of India and other pending court cases.
- (5) The transfers effected shall be displayed at the office of Deputy Director (Tribal Welfare)/District Tribal Welfare Officer, and Assistant Tribal Welfare Officers concerned after completion of counseling.

15. Date of relief and joining:

- (1) The Head Master Grade II (Gazetted) /Teachers who are on transfer shall be relieved from the present place of working on receipt of the transfer orders and he/ she shall join in the new school where they are posted on the next day of serving of orders.
- (2) A Head Master Grade II (Gazetted)/Teacher who does not so join cannot claim compulsory wait under any circumstances for any reason.

16. Appeal:

- (1) An appeal against the orders of the District Collector/Deputy Director (Tribal Welfare)/District Tribal Welfare Officer shall lie with the Commissioner of Tribal Welfare, Telangana State, Hyderabad. Such an appeal should be submitted within 10 days.

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- (2) All such appeals shall be disposed off by the Appellate Authority within 15 days from the date of receipt of the appeal.
- (3) The Teachers who have any grievance on the transfer counseling should avail the appeal provisions before going for other legal remedies.

17. Revision:

- (1) The Commissioner of Tribal Welfare, Telangana State, Hyderabad may either suo-moto or on an application received from any person aggrieved by the orders of the Transfer Committee may call for and examine the records in respect of any proceedings of transfer to satisfy himself about its regularity, legality or propriety. If, in any case, it appears to him that any such proceedings should be revised, modified, annulled or reversed or remitted for reconsideration, he may pass orders accordingly or remand the case with any direction so as to rectify any violation of rules or discrepancy. Such orders shall be implemented by the authority concerned.
- (2) The Commissioner of Tribal Welfare may stay the implementation of any such proceedings, pending exercise of its powers under sub-rule (1) above.

18. Punishment for furnishing false information/violation of rules:

- (1) Anybody who has submitted false information and Certificates, and the officers, who have countersigned such false information, shall be liable for disciplinary action in addition to prosecution, as per rules.
- (2) The Member Secretary who has issued orders in violation of these rules or instructions issued by Commissioner of Tribal Welfare from time to time in the matter shall be liable for disciplinary action as per rules.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

G.D.ARUNA
SECRETARY TO GOVERNMENT

To

The Commissioner of Printing and Stationery, Telangana State, Hyderabad for publication in the Telangana State Gazette and furnish 100 copies to the Government.

The Commissioner of Tribal Welfare, Telangana State, Hyderabad.

All the District Collectors in the State.

All the Project Officers of ITDAs in the State.

All the Deputy Directors (Tribal Welfare)/District Tribal Welfare Officers in the State.

All The District Educational Officers (Agency)/

Deputy Educational Officer (Agency) in the state.

The Pay and Accounts Officer, Hyderabad.

The Accountant General, Hyderabad.

The Special Secretary to Chief Minister.

The P.S. to Minister for Tribal Welfare

The P.S. to Secretary to Government, Tribal Welfare Department,
Government of Telangana, Hyderabad.

Copy to:

The General Administration (Services) Department/Finance Department/

PR & RD Department /Social Welfare Department and Law Department.

The Commissioner of School Education, Telangana State, Hyderabad.

All Sections in Tribal Welfare Department.

Teachers' Associations in the State,

through the Commissioner of Tribal Welfare, TS, Hyderabad.

SF/SCs.

//FORWARDED::BY ORDER//

SECTION OFFICEDR